

RESOLUTION NO. 2013-3582

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AUTHORIZING THE HIRING OF LOCAL HEARING OFFICERS; DESIGNATING THE CITY CLERK'S OFFICE TO PROVIDE CLERICAL AND OTHER ASSISTANCE; DIRECTING THE FINANCE DEPARTMENT TO PROVIDE SUPPORT SERVICES; ESTABLISHING AN ADMINISTRATIVE FEE FOR EACH HEARING; EFFECTIVE DATE

WHEREAS, the Florida Legislature passed CS/CS/HB7125 during the 2013 Legislative Session which included newly adopted provisions and procedures for the handling of Notices of Violations generated from the use of red light cameras as traffic infraction detectors to enforce Florida Statute Chapter 316; and,

WHEREAS, the newly adopted provisions and procedures established a "Local Hearing Officer" process whereby recipients of a Notice of Violation may request a hearing before a local hearing officer instead of challenging the traffic infraction in Court; and,

WHEREAS, the Governor of the State of Florida signed CS/CS/HB7125 to take effect on July 1, 2013; and,

WHEREAS, the intent of the subject legislation is to provide citizens with an alternative local method of contesting Notices of Violations instead of the more formalized Traffic Court process; and,

WHEREAS, although the new process creates certain initial logistical issues for the City, it is felt that the long term benefits to the citizen/infraction violators outweighs the short term issues to be experienced and resolved by the City; and,

WHEREAS, the City Council has determined that it is in the best interests of the City and its citizens to comply with the newly enacted statutory provisions in order to continue operating the City's Red Light Camera Enforcement Program:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA:

Section 1: Recitals. That the City Council of the City of Miami Springs hereby adopts the recitals set forth above and incorporates them herein.

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Section 2: Local Hearing Officers. That the City Council of the City of Miami Springs hereby authorizes the City Administration to hire Local Hearing Officers in order to comply with newly created statutory hearing processes and procedures set forth in CS/CS/HB7125 (2013). It is the duty and responsibility of the City Administration to hire Local Hearing Officers who are capable of performing the mandated processes and procedures set forth in statutory law. In addition, to wit:

- (A) The City may enter into Interlocal Agreements with other government entities in order to maintain a pool of eligible Local Hearing Officers.
- (B) The number of Local Hearing Officers available to the City at any time shall be within the discretion of the City Administration.

Section 3: Clerical Assistance for Hearing Process. That the City Council of the City of Miami Springs hereby designates and authorizes the staff of the City Clerk's Office to assist in all clerical matters and other related duties that may be required to conduct the Red Light Camera Notice of Violation Hearings authorized by statutory law.

Section 4: Finance Department Assistance for Hearing Process. That the City Council of the City of Miami Springs hereby authorizes and directs the staff of the City Finance Department to assist in all financial matters and other related duties that may be required in the administration of the Local Hearing Officer process by the City.

Section 5: Administrative Fee Established. That the City Council of the City of Miami Springs hereby establishes an administrative fee of \$250.00 to be charged for conducting each Local Hearing Officer proceeding authorized by statutory law. However, no administrative fee shall be assessed in any case in which the alleged violation is dismissed. The amount of the administrative fee established herein may be increased or decreased by subsequent City Council resolution.

Section 6: That the provisions of this Resolution shall be effective immediately upon adoption by the City Council.

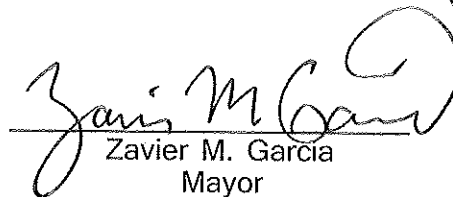
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PASSED AND ADOPTED by the City Council of the City of Miami Springs, Florida, this 28th day of May, 2013.


The motion to adopt the foregoing resolution was offered by Vice Mayor Windrem, seconded by Councilman Lob, and on roll call the following vote ensued:

Vice Mayor Windrem	"aye"
Councilman Bain	"aye"
Councilman Lob	"aye"
Councilman Petralanda	"aye"
Mayor Garcia	"aye"

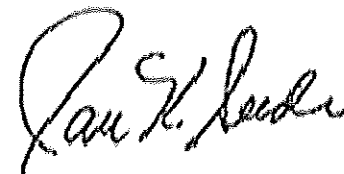



Zavier M. Garcia
Mayor

ATTEST:


Magali Valls, CMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY


Jan K. Seiden, Esquire
City Attorney

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